

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Atsushi MAE et al. ) Group Art Unit: 2481  
)  
Application No.: 10/588,034 ) Examiner: Harvey E. David  
)  
Filed: August 1, 2006 )  
)  
For: IMAGE RECORDING )  
APPARATUS AND METHOD, AND )  
PROGRAM FOR SELECTING A )  
RECORDING MODE )  
INDEPENDENT FROM THE )  
RECORDING ASPECT RATIO (AS )  
AMENDED) )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT-PRE-GRANT**

In accordance with 37 C.F.R. § 1.705(b), Applicants hereby apply for patent term adjustment under 35 U.S.C. § 154(b) of 897 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

**I. Statement of the Facts Involved**

**A. Correct Patent Term Adjustment**

Applicants received the Determination of Patent Term Adjustment with the Notice of Allowance and Fees Due mailed from the Patent and Trademark Office (PTO) on

December 9, 2010, advising that this application is entitled to 583 days of patent term adjustment.

Applicants have calculated a patent term adjustment of 897 days based on the following facts:

**B. Relevant Dates**

The above-identified application was filed as a National Stage Application on August 1, 2006. All of the requirements under 371 were met on August 1, 2006.

The first Office action was mailed on March 16, 2010, resulting in a PTO delay of 897 days beyond the 14 months provided by 35 U.S.C. § 154(b).

A response by applicant was filed June 16, 2010.

A second Office action was mailed September 1, 2010.

A response by applicant was filed November 17, 2010.

A Notice of Allowance was mailed December 9, 2010.

Thus, the total PTO adjustments based on the PTO delay is 897 days. There is no Applicant reduction in patent term. Patent term adjustment is 897 days total. Applicant respectfully requests that the current patent term adjustment be reconsidered.

**C. Terminal Disclaimer**

The above-identified application is not subject to a Terminal Disclaimer.

**D. Reasonable Efforts**

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

**II. Fee**

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to Deposit Account 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 9, 2011

By: /David W. Hill/  
David W. Hill  
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